UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,319	03/29/2002	Wilhelm Aures		7284

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/089,319	AURES ET AL.
	Examiner	Art Unit	
	Gregory B. Sefcheck	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6-14 and 17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6-14 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

- Applicant's Amendment filed 8/13//2007 is acknowledged.

- Claims 1 and 12 have been amended.

- Claims 3-5, 15, and 16 have been cancelled.

- The previous objections to claims 5 and 16 are moot.

- Claims 1, 2, 6-14, and17 remain pending.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived· by the manner in which the invention was made.

2.   Claims 1, 2, 6-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ertz et al. (US005323444A), hereafter Ertz, in view of Shionozaki (US006038214A).

-      Regarding Claims 1 and 5,

Ertz teaches a method for controlling instances of access to transmission resources of

a communications network for transferring information items (Fig. 1, Abstract lines 1-18)

referenced by the control of a call to a Public Safety Answering Point based on it's call

capacity before the call is routed, comprising checking an event of an instance of access to

the communications network to determine. if the amount of transmission resources required

for the information transfer is currently available in the communications network (Fig. 63, col.

104 lines 17-67, col. 105 lines 1-30) referenced by the determination if the PSAP of the

network is at Call Capacity before routing the call to the PSAP, determining the priority of the

instance of access upon ascertaining an amount of currently available transmission

resources insufficient for the information transfer (Fig. 19(a), col. 10 lines 45-67, claim 38 lines

1-28, Fig. 20) referenced by the initial destination lookup from an Emergency Service

Number table based on ANI step 3 and an emergency call to a PSAP being a preferred

priority with alternate routing applied Step 109 in the event PSAP is at capacity, and

allocating the transmission resources required for the information transfer made in the

communications network in the event of a high priority of the instance of access (Fig. 62,

col. 103 lines 17-67, col. 104 lines 1-16) referenced by the determination the PSAP is at

Call Capacity and Routing Fails step 12 and Get Alternative step 13 is performed.

Ertz teaches further comprising determining at lest one of the priority of the instance

of access is using destination information items transferred in the course of the current

instance of access (Fig. 10, Fig. 19(a), col. 10 lines 45-67) referenced by the incoming

call processed through a check destination facility 630 wherein the ANI is used to

determine a priority call from the Emergency Service Number table step 3, and of information

items transferred in the course of the current instance of access and representing the type

of information items to be transferred (Fig. 19(a), col. 10 lines 45-67, Fig. 20) referenced by

the ANI being an emergency type of information from the ESN table search of step 3 to

determine an available PSAP, and the priority of the allocated transmission resources by

the type of information items transferred (Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28)

referenced by the Check Destination 100 for preferred priority calls to PSAP 103 or non

priority PSTN Destination Number 101.

Ertz teaches wherein instances of access to the communications network for

transferring information items with destination information items identifying an emergency

call center have a high priority (col. 3 lines 63-66, Fig. 20, col. 12 lines 39-57, claim 38

lines 1-28) referenced by the Check Destination 100 for preferred priority calls to Public

Safety Access Point 103 which is an emergency call center for E9-1-1 calls, the

information items to be transferred to the emergency call center being assigned a high

priority (Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the preferred priority

of calls to PSAP.

Ertz does not teach for the information transfer are released or made available or

corresponding transmission resources allocated for the transfer of information items

assigned a low priority are released or made available.

Shionozaki discloses a method and apparatus that enables reallocation of resources

from low priority sessions to meet he demand of a higher priority session (Abstract; Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ertz by enabling the allocation of resources for the required information

transfer by freeing resources of existing, lower priority sessions, as taught by Shionozaki. This

would maximize the available resources of a network while accommodating the highest priority

sessions.

- Regarding Claim 2,

Ertz teaches wherein the transmission resources made available are allocated for the

information transfer (Fig. 19(a), col. 10 lines 45-67) referenced by the Route Call step 23

followed by Routing is Successful step 24 wherein the transmission resources for the call

is allocated.

- Regarding Claim 6, .

Ertz teaches wherein the required transmission resources are determined and made

available randomly (Fig. 63, col. 105 lines 19-26) referenced by the acceptance by the

PSAP of another call step 17 without limitation on a particular trunk line.

- Regarding Claim 7,

Ertz teaches wherein the transmission resources made available are allocated to the

instances of access having a high priority (Fig. 1, col. 8 lines 30-66, claim 38 lines 6)

referenced by the subscriber being an Emergency Service Requestor initiates an E9-1-1

call 201 which are preferred priority calls checked against an Emergency Service Number

table 213 for routing to a PSAP, for the information transfer the allocated transmission

resources being assigned a high priority (Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28)

referenced by the preferred priority of calls to PSAP routed to an available PSAP destination

step 103.

- Regarding Claim 8,

Ertz teaches wherein the transmission resources are arranged between switching

devices arranged in the communications network (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12)

referenced by the Public Telephone Network 219 and the Call Routing Switch 218 of

Platform 204, and/or between a switching device of the communications network and at

least one front-end device arranged in the subscriber access area of the switching device

(Fig. 2, col. 10 lines 8-29, lines 45-67) referenced by the Call Routing Switch 218 and the

Applications Processor 234 which is a front end for searching the TN/ESN table 213 using a

combination of NPD and ANI information which is accessible through Workstation 212.

- Regarding Claims 9 and 10,

Ertz does not explicitly disclose forming and storing an identifier for the

corresponding front-end device in the switching device when the transmission resources

required are available, where the identifier indicates a reduced amount of resources for

the transmission of information items having a low priority. Ertz also does not explicitly

discloses erasing or resetting the identifier upon expiration of a prescribed time interval

in which the reduced amount of resources allocated for information items having a low

priority is not exceeded.

Shionozaki discloses that the states (identifier) of sessions having resources

allocated to it are stored and then changed to reflect a preemption or change of low

priority sessions to accommodate higher priority sessions. Shionozaki further shows

that the states are returned to their original states after a predetermined time has

elapsed (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ertz by storing the states of resource-allocated sessions, updating those states to reflect a reduction in resource allocation for preempted/changed low priority sessions to accommodate higher priority sessions and resetting the states after a predetermined time has elapsed, as shown by Shionozaki. This would maximize the available resources of a network in accommodating the highest priority sessions while enabling the network to keep track of which low priority sessions have surrendered resources to higher priority sessions such that the resources could be re-allocated back to the low priority session after the higher priority session is completed.

- Regarding Claim 11,

Ertz teaches wherein the transmission resources are implemented by a prescribed number of trunks or by a prescribed number of time-division-multiplexoriented transmission channels (Fig. 1, col. 8 lines 58-66) referenced by the incoming Emergency Service trunk 206 from the Public Telephone Network 219 which are inherently time division multiplexed.

- Regarding Claim 12,

Ertz teaches a communications system for controlling instances of access to transmission resources of a communications network (Fig. 1, Abstract lines 1-18) referenced by the control of a call to a Public Safety Answering Point based on it's call capacity before the call is routed, comprising at least one switching device arranged in the communications network (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12) referenced by the Platform 204 with Call Routing Switch 218, transmission resources assigned to the at least one switching device and allocated for transmitting information items (Fig. 1, col. 8 lines 30-43) referenced by the incoming/outgoing trunks 206 of the Call Routing Switch 218, and a device provided in the event of an instance of access to the transmission resources to check the current availability of the transmission resources required for the information transfer (Fig.1, Fig. 63, col. 104 lines 17-67, col. 105 lines 1-30) referenced by the Application Processor 234 determination if the PSAP of the network is at Call Capacity before routing the call to the PSAP, a determining device to determine the priority of the instance of access upon ascertaining an amount of currently available transmission resources insufficient for the information transfer are arranged in the at least one switching device (Fig. 1, Fig. 63, col. 104 lines 17-67, col. 105 lines 1-30, Fig. 20) referenced by the preferred priority of calls to PSAP and the Platform 204 determination if the PSAP is at call capacity and cannot accept any more calls step 18 through the associated trunks of the call routing switch 218 resulting in Use Alternate Routing Step 109, and the event of a determined high priority of the instance of access are provided in the at least one switching device and the transmission resources required for the information transfer are made

available (Fig. 19(a), col. 10 lines 45-67, col. 11 lines 1-15, claim 38 lines 1-28) referenced by the initial destination lookup from an Emergency Service Number table based on ANI step 3 and Get Alternative step 13 if the PSAP is at capacity to obtain alternate transmission resources with the emergency call to a PSAP being a preferred priority.

Ertz further teaches wherein the determining device to determine the priority of the instance of access are configured such that the priority is determined with at least one of destination information items transferred in the course of the current instance of access (Fig. 1, col. 10 lines 45-61, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Platform 204 performing a Check Destination 100 for preferred priority calls to PSAP 103 or non priority PSTN Destination Number 101 wherein the preferred priority call is based on emergency 9-1-1 digits of the current call and the ANI identifier, and with information items transferred in the course of the current instance of access and representing the type of the information items to be transferred (col. 10 lines 45-61) referenced by the emergency 9-1-1 digits and the ANI of the current call representing a preferred priority, the priority of the allocated transmission resources being determined during the information transfer by the type of transferred information items (Fig. 1, col. 10 lines 45-61, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Platform 204 performing a Check Destination 100 for preferred priority calls to PSAP 103 or non priority PSTN Destination Number 101 wherein the preferred priority call is based on emergency 9-1-1 digits of the current call and the ANI identifier.

Ertz does not teach for the information transfer are released or made available or

corresponding transmission resources allocated for the transfer of information items

assigned a low priority are released or made available.

Shionozaki discloses a method and apparatus that enables reallocation of resources

from low priority sessions to meet he demand of a higher priority session (Abstract; Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Ertz by enabling the allocation of resources for the required information

transfer by freeing resources of existing, lower priority sessions, as taught by Shionozaki.

This would maximize the available resources of a network while accommodating the highest

priority sessions.

- Regarding Claim 13,

Ertz teaches wherein the device for rendering available the required transmission

resources is configured such that the transmission resources made available are allocated

to the instance of access for the information transfer (Fig. 1, Fig. 63, col. 105 lines 19-26)

referenced by the Platform 204 determination that the destination PSAP is not at capacity

and can accept another call step 17 wherein the call is routed to the PSAP.

- Regarding Claim 14,

Ertz teaches wherein the allocated transmission resources assigned to the at least

one switching device are arranged between at least one of the at least one switching

device and at least one further switching device (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12)

referenced by the Public Telephone Network 219 which inherently is composed of

telephone switching devices and the Call Routing Switch 218 of Platform 204, and are

arranged between the at least one switching device and at least one front-end device

arranged in the subscriber access area of the switching device (Fig. 2, col. 10 lines 8-29,

lines 45-67) referenced by the Call Routing Switch 218 and the Applications Processor 234

which is a front end for searching the TN/ESN table 213 using a combination of NPD and

ANI information which is accessible through Workstation 212.

- Regarding Claim 17,

Ertz teaches wherein the transmission resources assigned to the switching

device are implemented by trunks outgoing from the at least one switching device or by

outgoing time-division-multiplex-oriented transmission channels (Fig. 1, col. 8 lines 58-

66) referenced by the Emergency Service trunk 206 to/from the Call Routing Switch 218

from the Public Telephone Network 219 and the outgoing trunks to the Public

Telephone Network 219 for termination to the PSAP all of which are inherently time

division multiplexed lines.

Response to Arguments

3.   Applicant's arguments filed 8/13/2007 have been fully considered but they are not

persuasive.

- In the Remarks on pg. 6-7 of the Amendment, Applicant contends that Ertz does

      not disclose determining the priority of an access to the communications network

      using destination information items transferred in the course of the current

      instance of access, as required by independent claims 1 and 12. Applicant

      specifically points to the ANI code discussed in Ertz, showing that the ANI is a

      source information item rather than a destination.

- The Examiner respectfully disagrees. As shown in the rejections of claims 1 and

      12 above, Ertz discloses determining priority for an emergency 911 call

      referenced by initial destination lookup from an ESN table (emphasis added), in

      addition to the ANI information cited by Applicant. Therefore, Ertz properly

      rejects the contested limitation and the claim rejections are proper.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-

3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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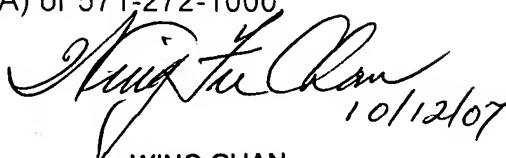
10/12/07

WING CHAN
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